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AT CHARLOTTESVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

AUG 25 2017

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE MATTER OF A SEARCH OF:)
)
INFORMATION ASSOCIATED WITH)
DERSCHWARZESONNE@GMAIL.COM)
AND GOOGLE PLUS ACCOUNT)
USERNAME)
HEINRICHHIMMLERFACISM THAT IS)
STORED AT PREMISES CONTROLLED)
BY GOOGLE E-MAIL INC., 1600)
AMPHITHEATRE PARKWAY,)
MOUNTAIN VIEW, CA 94043)

Case No. 3:17-mj-00048

UNDER SEAL

AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A WARRANT TO SEARCH AND SEIZE

I, Christopher Hartley, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been so employed since February 2016. I am assigned to the Washington Field Office, Northern Virginia Resident Agency, located in Manassas, Virginia. My principal duties include the investigation of, among other matters, civil rights violations of the United States.

2. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I have received training in and have experience in the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants.

3. I make this affidavit in support of an application by the United States of America for a warrant to search and seize evidence associated with Gmail account: **derschwarzesonne@gmail.com** and GooglePlus account ID: **117324497326309721822**, Display Name: **"Volker Krieger"**, and Username: **HeinrichHimmlerFascism** as further described in Attachment A.

4. Based on the information below, I submit there is probable cause to believe the aforementioned Google accounts will contain evidence, as more fully identified in Attachment B, of violations of federal law, including, but not limited to, Title 18, United States Code, Section 249 (Hate Crime).

5. Through training and experience, the Affiant has knowledge that domestic terrorists and persons affiliated with white supremacists group and/or conspirators will utilize cell phones, and other electronic devices, electronic mail ("E-mail"), and social media to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing violence.

6. The Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement officers assigned to this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties. This affidavit is not intended to include each and every fact known to me or the other investigating agencies, nor does it reflect all the evidence developed during the course of the investigation. Instead, the Affiant has set forth sufficient information to establish probable cause for the issuance of the requested search warrant. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part.

RELEVANT STATUTE

7. *Hate Crimes Act*, Title 18, United States Code, Section 249, provides that “Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person” shall be guilty of a federal offense.

JURISDICTION

8. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

BACKGROUND

9. On August 12, 2017, a “Unite the Right” rally was held at Emancipation Park in Charlottesville, Virginia. The proclaimed purpose of the rally was to protest the removal of the

Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville, Virginia. Several groups espousing right-wing nationalist and/or white supremacist views attended the rally in support.

10. In addition, several thousand counter-protestors attended the rally to oppose the rally and its supporters. Throughout the day, several instances of violence occurred between protestors and counter-protestors. At approximately noon, the rally was declared an unlawful assembly by the Charlottesville Police Department, and both protestors and counter-protestors dispersed to separate locations.

11. A group observed by law enforcement at the aforementioned rally was Vanguard America, whose beliefs are stated as:

“The chains of debt slavery wrap themselves tight around White Americans, such conditions must be reversed. A new generation of corporate leaders, who hold the interests of White America first and foremost, will naturally rise to the top of this new economy.”

Below is a picture of the Vanguard America emblem taken from the website

<https://bloodandsoil.org/>:



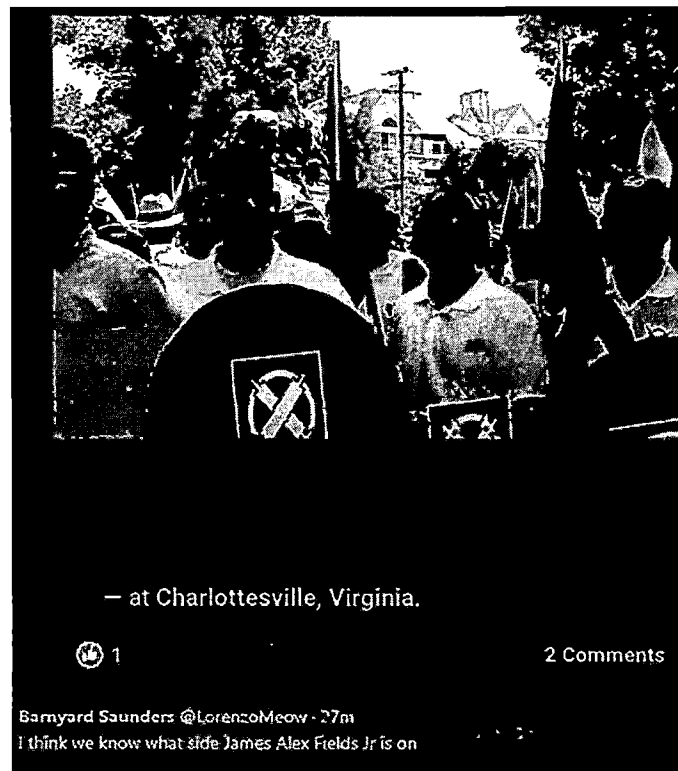
The right-wing nationalist slogan “blood and soil” is derived from a German phrase, used by Adolph Hitler’s Nazis, that purportedly promotes the notion that people with “white blood” are uniquely connected to “American soil.”

PROBABLE CAUSE

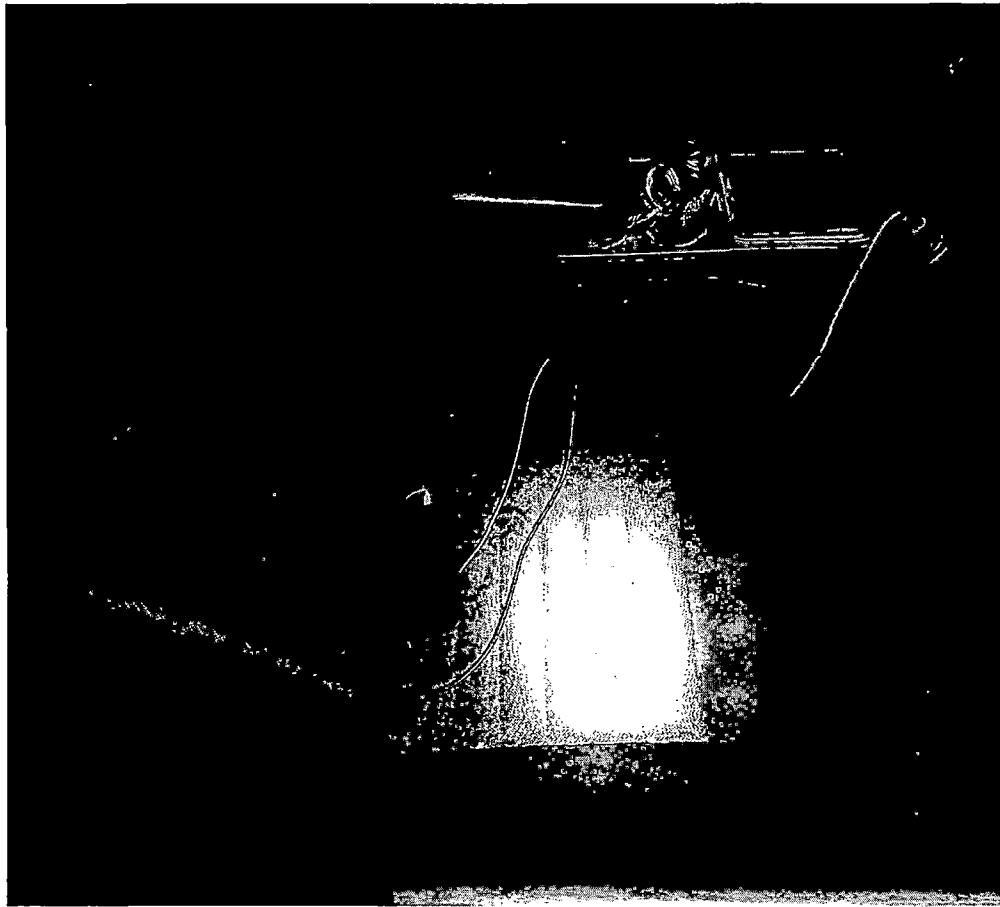
12. The FBI is conducting an investigation into possible violations of federal criminal law committed by JAMES ALEX FIELDS ("FIELDS"), an individual allegedly associated with Vanguard America. The investigation was initiated following receipt of information FIELDS drove this vehicle, a grey Dodge Charger bearing Ohio license plate GVF1111, into a crowd of people during the "Unite the Right Rally" in Charlottesville, Virginia on August 12, 2017. The incident killed one Caucasian female and injured approximately twenty-eight (28) other individuals of African-American and Caucasian descent.

13. Based on Affiant's review of the video footage of the incident, FIELDS' vehicle travelled at a high rate of speed and intended to strike rally counter-protestors, including African-Americans. After striking multiple victims with his vehicle, FIELDS drove his vehicle backwards, in reverse, at high-rate of speed to flee the scene.

14. After his arrest by the Charlottesville Police Department, FIELDS was observed dressed in a white polo shirt, khaki pants, and black shoes. FIELDS' hair was trimmed with a "high and tight" or "side-fade" style consistent with the hair style of other individuals associated with the white supremacist group Vanguard America at the rally. Below is a picture of FIELDS that law enforcement officials obtained from social media at the Charlottesville "Unite the Right" rally. Fields is second person from the left with the large black shield in front of him.



15. The Affiant learned from law enforcement officials and review of video footage, one individual was in the vehicle at the time of the aforementioned incident. After the Charlottesville Police arrested FIELDS, his vehicle was towed and stored in a secured law enforcement facility.



16. On August 12, 2017, the FBI interviewed SAMANTHA BLOOM ("BLOOM"), a woman identified as FIELDS' mother. BLOOM confirmed details about FIELDS and his trip to Charlottesville, Virginia for the "Unite the Right" rally. According to the BLOOM, she knew this information from a text message sent to her from FIELDS.

17. During the interview, BLOOM confirmed FIELDS' telephone number is 859-414-9660.

18. Through social media and data exploitation of FIELDS' telephone, the FBI confirmed **derschwarzesonne@gmail.com** e-mail address was assigned to FIELDS' phone number 859-414-9660.

19. In addition, a Google contact was identified for FIELDS with his known phone number 859-414-9660. Further open source research identified the following GooglePlus account associated with this contact: ID: **117324497326309721822**, Display Name: **"Volker Krieger"** and Username: **"HeinrichHimmlerFascism"**.

20. The Display name **"Volker Krieger"** as well as the profile photo, matches the display name to FIELDS' known Google contact and a known Twitter account (@TheNewGiantDad).

21. The aforementioned GooglePlus page contains a banner photo with "SS" in the background, likely a reference to the Schutzstaffel, which were the major paramilitary organization under Adolph Hitler and Nazi Party Germany.

22. In the "about" section of the aforementioned GooglePlus page, a quote from Adolph Hitler is listed which matches the quote from the Google Contact associated with FIELDS' known telephone number 859-414-9660.

23. The Affiant knows, through training and experience, that Google provides a variety online services, including e-mail access, to the public. Google allows subscribers to obtain e-mail accounts at the domain name gmail.com, like the e-mail account listed in Attachment A.

24. Subscribers obtain an account by registering with Google. During the registration process, Google asks subscribers to provide basic personal information. Therefore, the computers of Google are likely to contain stored electronic communications (including retrieved and un-retrieved e-mail for Gmail subscribers) and information concerning subscribers and their use of

Google services, such as account access information, e-mail transaction information, and account application information. In my training and experience, such information may constitute evidence of the crime under investigation because the information can be used to identify the account's user or users.

25. A Google subscriber can also store with the provider files in addition to e-mails, such as address books, contact or buddy lists, calendar data, pictures (other than ones attached to e-mails), and other files, on servers maintained and/or owned by Google. In my training and experience, evidence of who was using an e-mail account may be found in address books, contact or buddy lists, e-mail in the account, and attachments to e-mails, including pictures and files.

26. In my training and experience, e-mail providers generally ask their subscribers to provide certain personal identifying information when registering for an e-mail account. Such information can include the subscriber's full name, physical address, telephone numbers, and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of a crime under investigation because the information can be used to identify the account's user or users. Based on my training and experience, I know that even if subscribers insert false information to conceal their identity, I know that this information often can provide clues to their identity, location or illicit activities.


27. In my training and experience, e-mail providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e. session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account

(such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, e-mail providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the e-mail account.

28. In my training and experience, in some cases, e-mail account users will communicate directly with an e-mail service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. E-mail providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crime under investigation because the information can be used to identify the account's user or users.

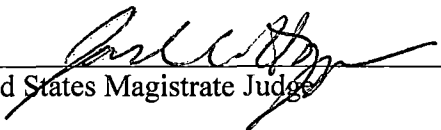
CONCLUSION

29. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Google who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.



Christopher J. Hartley
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 25th of August, 2017.


United States Magistrate Judge